

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)
)
)
v.)
)
CRISTIAN OREJUELA)
aka Christian Munoz,)
)
Defendant.)

Criminal Action No. 07-38-JJF

**MOTION FOR CONTINUANCE OF SUPPRESSION HEARING AND FOR
EXCLUSION OF TIME UNDER SPEEDY TRIAL ACT**

NOW COMES the United States, through counsel, and respectfully states as follows:

1. This Court has scheduled a hearing on the Defendant's Motion to Suppress Physical Evidence and Statements for June 13, 2007, at 1:30 p.m.
2. Delaware State Troopers John Penrod and Adalberto Garcia were the two officers who participated in the post-arrest interview of the defendant.
3. One of the primary issues at the upcoming suppression hearing is whether the defendant received the *Miranda* warnings and whether he understood those warnings. As such, it will be necessary for one of the two officers to testify at the hearing.
4. Both Trooper Penrod and Trooper Garcia are unavailable on June 13, 2007, because they will both be on previously scheduled out-of-state vacations. The United States respectfully requests a continuance based on these officers' unavailability at the scheduled time.
5. Defense counsel indicated telephonically that he does not oppose this request.
6. The United States further requests that the Court exclude any time from the date of filing of this Motion, until the date of the scheduled suppression hearing.

5. The United States submits that, in the interest of justice, 18 U.S.C. §3161(h)(8)(A), the Court exclude under the Speedy Trial Act the time from the date of this document's filing until the date of the suppression hearing, and find that the ends of justice served by such a brief continuance would outweigh the best interest of the public and the defendant in a speedy trial.

WHEREFORE, the United States respectfully requests that the Court continue the hearing on the defendant's motion to suppress, and exclude time under the Speedy Trial Act.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

BY: /s/Ilana H. Eisenstein
Ilana H. Eisenstein
Assistant United States Attorney

Dated: June 6, 2007

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v.) Criminal Action No. 07-38-JJF
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)
Defendant.)

ORDER

IT IS HEREBY ORDERED this _____ day of _____, 2007, that the hearing on the Defendant's Motion to Suppress Evidence and Statements in this case be re-scheduled for _____ at _____; and

IT IS FURTHER ORDERED that the time from today's date until the date of the suppression hearing is excluded under the Speedy Trial Act, and that such an exclusion is in the interests of justice, and that the interest of resolving the case without a trial outweighs the public's and the defendant's interest in a speedy trial.

Honorable Joseph J. Farnan, Jr.
United States District Judge

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CERTIFICATE OF SERVICE

I, Jennifer Brown, an employee in the Office of the United States Attorney, hereby certify under penalty of perjury that on June 6, 2007, I electronically filed:

**MOTION FOR CONTINUANCE OF SUPPRESSION HEARING AND FOR
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with the Clerk of Court using CM/ECF. Said document is available for viewing and downloading from CM/ECF, which will send notification of such filing(s) to the following:

Edson A. Bostic, Esquire
Federal Public Defender
District of Delaware
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Wilmington, DE 19801

/s/Jennifer Brown

Jennifer Brown